

191—103.2(523A,82GA,SF559) Application and licensing of preneed seller or sales agent.

103.2(1) *Preneed seller application.* A person that desires to be licensed as a preneed seller must satisfy the following requirements:

- a. Submit a completed application form, designated by the commissioner, as set forth in subrule 103.2(4);
- b. Appoint at least one sales agent;
- c. Submit a signed waiver allowing the commissioner to request and obtain criminal history data information, pursuant to Iowa Code section 523A.501(3) as amended by 2007 Iowa Acts, Senate File 559, section 16, for each owner and manager of the applicant, including, but not limited to, for each sole proprietor, partner, director, officer, managing partner, member, or shareholder with 10 percent or more of the stock;
- d. Provide a financial history, if requested by the commissioner, pursuant to Iowa Code section 523A.501(4) as amended by 2007 Iowa Acts, Senate File 559, section 16, for each owner and manager of the applicant, including, but not limited to, for each sole proprietor, partner, director, officer, managing partner, member, or shareholder with 10 percent or more of the stock;
- e. Provide evidence of a fidelity bond or insurance required by Iowa Code section 523A.201(5) as amended by 2007 Iowa Acts, Senate File 559, section 7;
- f. Have not committed any act that is grounds for denial under subrule 103.2(5); and
- g. Pay the appropriate license fee as set forth in rule 191—100.4(523A,82GA,SF559).

103.2(2) *Sales agent application.* An individual that desires to be licensed as a sales agent pursuant to Iowa Code section 523A.502 as amended by 2007 Iowa Acts, Senate File 559, section 17, must satisfy the following requirements:

- a. Be at least 18 years of age;
- b. Be appointed by at least one preneed seller and submit evidence of that appointment;
- c. Submit a completed application form, designated by the commissioner, as set forth in subrule 103.2(4);
- d. Submit a signed waiver allowing the commissioner to request and obtain criminal history data information, pursuant to Iowa Code section 523A.501(3) as amended by 2007 Iowa Acts, Senate File 559, section 16;
- e. Have not committed any act that is grounds for denial under subrule 103.2(5); and
- f. Pay the appropriate license fee as set forth in rule 191—100.4(523A,82GA,SF559).

103.2(3) *Multijurisdictional license.* The commissioner may issue a preneed seller license or a sales agent license based on a multijurisdictional preneed seller license or a multijurisdictional sales agent license, pursuant to Iowa Code section 523A.501(8) as amended by 2007 Iowa Acts, Senate File 559, section 16, and Iowa Code section 523A.501(10), if the preneed seller or sales agent files an application as directed by the commissioner and pays the applicable filing fee as set forth in rule 191—100.4(523A,82GA,SF559). Instructions for application may be found on the commissioner's Web site.

103.2(4) *Application form.* A person applying for a preneed seller license or sales agent license shall complete an application form designated by the commissioner in accordance with the instructions supplied with the form. The appropriate application form and instructions may be obtained from the commissioner's Web site.

103.2(5) *Approval or denial of applications.*

a. If the application form is not completed according to the instructions, or if all of the information in the instructions or requested by the commissioner is not provided, the commissioner shall send a deficiency letter to the applicant, identifying the problems with the license application and listing any required corrective action. The commissioner shall suspend review of the application until the applicant successfully provides the necessary information. If an applicant does not satisfy the terms of the deficiency letter within six months, the application will expire and a new application form must be submitted.

b. The commissioner may require any documents reasonably necessary to verify the information contained in the application or to verify that the individual making application has the character

and competency required to receive a license. The commissioner also may request fingerprints and reimbursement of costs for investigating a criminal history, pursuant to Iowa Code section 523A.501(3) as amended by 2007 Iowa Acts, Senate File 559, section 16.

c. The commissioner shall conduct the criminal history data request and other investigations pursuant to Iowa Code section 523A.502(4) as amended by 2007 Iowa Acts, Senate File 559, section 17.

d. In order to determine whether to approve or deny an application for license, the commissioner shall review all information that is submitted with the application, submitted at the commissioner's request, obtained through criminal history investigation pursuant to Iowa Code sections 523A.501(3) and 523A.502(4) as amended by 2007 Iowa Acts, Senate File 559, sections 16 and 17, respectively, and obtained through the financial history review pursuant to Iowa Code sections 523A.501(3) and 523A.502(4) as amended by 2007 Iowa Acts, Senate File 559, sections 16 and 17, respectively.

e. If the commissioner approves the application and accompanying information, the commissioner shall issue a license, the term of which shall be four years.

f. The commissioner may deny a license application based on information received during the application process or on any ground provided to discipline a license in 191—Chapter 105 or Iowa Code chapter 523A.